UNITED STATES DISTRICT COURT WESTERN DISTRICT OF TEXAS DEL RIO DIVISION

MAR 25 2025

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY

UNITED STATES OF AMERICA
Plaintiff,

v.

MICHAEL LANE HAYES

Defendant.

Case No.: **DR**

Case No.: DR:24-CR-01474-EG-1

ORDER

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Before the Court is Defendant Michael Lane Hayes' Motion to Proceed *In Forma Pauperis* and Motion to Appoint Counsel (the "Motions"). ECF 37. Defendant raises the Motions as part of a Notice of Appeal against his sentence as pronounced in the final judgment. ECF 35. While Defendant's Notice of Appeal was properly filed, the attached Motions are deficient and must be refiled.

In order to proceed *in forma pauperis*, a prisoner must file an affidavit "stat[ing] the nature of the action, defense or appeal and affiant's belief that the person is entitled to redress," as well as "a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint or notice of appeal, obtained from the appropriate official of each prison at which the prisoner is or was confined." 28 U.S.C. § 1915(a)(1)–(2). The Western District of Texas has specific application materials that must be completed and filed with the Clerk's Office to meet these requirements pursuant to 28 U.S.C. § 1915(a)(2). Because Defendant possessed sufficient resources to retain Counsel for this matter, Defendant must now properly apply to proceed *in forma pauperis*. The Court will then approve or deny that application. Only if the application is approved will the Court consider appointment of new appellate counsel.

IT IS THEREFORE ORDERED that Defendants' Motions to Proceed In Forma Pauperis and to Appoint Counsel are DENIED. IT IS ORDERED that Defendant file the Western District of Texas In Forma Pauperis application in compliance with 28 U.S.C. § 1915 within 14 days of receiving this Order. IT IS FURTHER ORDERED that the Clerk's Office mail a certified copy of this Order and a copy of the application to proceed in Forma Pauperis to the Defendant's address via USPS Certified Mail Return Receipt.

SIGNED, this 25 day of March 2025.

ERNEST GONZALEZ

UNITED STATES DISTRICT JUDGE